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*Responsibility for Justice*

## RESPONSIBILITY FOR JUSTICE

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## Structure as the Subject of Justice

A developer has bought the central-city apartment building where Sandy, a single mother, has been living with her two children; he plans to convert it into condominiums. The building was falling apart and poorly maintained, and she thought the rent was too high anyway, so she seizes the opportunity to locate a better place. Sandy works as a sales clerk in a suburban mall, to which she has had to take two buses from her current residence, for a total of three hours commuting time each day. So she decides to look for an apartment closer to where she works, but she still needs to be on a bus line.

She looks in the newspaper and online for apartment rental advertisements, and she is shocked at the rents for one- and two-bedroom apartments. One of the agents at an apartment finding service listens to her situation and preferences, diligently looks through rental listings, and goes out of his way to arrange meetings with Sandy.

Sandy learns that there are few rental apartments close to her workplace—most of the residential property near the mall is single-family houses. The few apartments nearby are very expensive. Most suburban apartments in her price range are located on the other side of the city from her job; there are also some in the city but few that she can afford which she judges decent and in a neighborhood where she feels her children will be safe. In either case, the bus transportation to work is long and arduous, so she decides that she must devote some of the money she hoped would pay the rent to make car payments. She applies for a housing subsidy program and is told that the waiting time is about two years.

Sandy searches for two months, with the eviction deadline looming over her. Finally she settles for a one-bedroom apartment a forty-five-minute drive from her job—except when traffic is heavy. The apartment is smaller than she hoped she would have to settle for; the two children will sleep together in the bedroom and she will sleep on a foldout bed in the living room. There are no amenities such as a washer and dryer in the building or a

playground for the children. Sandy sees no other option but to take the apartment, and then faces one final hurdle: she needs to deposit three months' rent to secure the apartment. She has used all her savings for a down payment on the car, however. So she cannot rent the apartment, and having learned that this is a typical landlord policy, she now faces the prospect of homelessness.

This mundane story can be repeated with minor variations for hundreds of thousands of people in the United States. The median asking rent for a two-bedroom apartment in 2004 was \$974, far out of reach of the 40 percent of renters with incomes less than \$20,000. Only one in eighty subsidized apartment units is located in an area with strong job growth, and one-fifth are located in areas whose employment opportunities are declining.<sup>1</sup>

While many other parts of the advanced industrial world have more active policies to remedy shortages of affordable housing, there are nevertheless many people in situations similar to Sandy's in many advanced industrial societies. Insufficient access to decent, affordable housing is, of course, an even much larger problem in most less developed countries.<sup>2</sup>

In this chapter I argue that Sandy's story illustrates a specific kind of moral wrong, structural injustice, which is distinct from wrongs traceable to specific individual actions or policies. Section I explains these distinctions between types of wrong and expands on the example of the lack of affordable housing to illustrate the concept of structural injustice. Section II conceptualizes social-structural processes by drawing on the ideas of several social theorists, including Anthony Giddens, Pierre Bourdieu, and Jean-Paul Sartre. Section III returns to reflection on injustice by recalling John Rawls's claim that the subject of justice is the basic structure of society. I examine critiques of this claim that argue that Rawls too starkly separates institutional justice from individual action. In order properly to respond to these critiques, I argue, a conception of justice needs to revise an understanding of what it means to say that the subject of justice is structure.

1. See Joint Center for Housing Studies, Harvard University, *America's Rental Housing: Homes for a Diverse Nation* (Cambridge, MA: Graduate School of Design, John F. Kennedy School of Government, 2006).

2. *The Challenge of Slums: Global Report on Human Settlements* (UN-Habitat, 2003).

## I. What Is Structural Injustice?

Most people react to a situation like Sandy's with the intuition that something is *wrong*. But what is the wrong, and who is responsible for it? The wrong is structural injustice, which is distinct from at least two other forms of harm or wrong, namely, that which comes about through individual interaction, and that which is attributable to the specific actions and policies of states or other powerful institutions.

Referring back to the discussion of injustice in the last chapter, we can say, first, that the intuition that something is morally wrong in Sandy's situation assumes that her situation does not result primarily from her own choices and actions. She is largely a victim of circumstances beyond her control—the landlord's decision to sell the apartment building, a sex-segregated labor market that makes low-wage service jobs the primary work opportunity for women without college or technical training, the “spatial mismatch” that locates those jobs far from most affordable housing, and so on. It is rarely true, of course, that a person's choices and actions contribute nothing to her situation. Sandy did not go to college, she and her children's father separated, and she decided that what she perceives as good schools should weigh into her housing decision. We need to know more about Sandy's life to assess how much credit or blame she should get for these circumstances, but this question is not very relevant to the judgment of injustice.

For the judgment that Sandy suffers injustice refers not to her particular life history, but rather to the *position* she is in. Sandy's situation is similar to that of many others. She and they stand in a position of being *vulnerable to homelessness or housing deprived*. This position, being vulnerable to homelessness, is a social-structural position. Persons in this position differ from persons differently situated in the range of options available to them and in the nature of the constraints on their action. Whether persons occupying the social-structural position of being vulnerable to homelessness actually become homeless will depend partly on their own actions, partly on luck, and partly on the actions of others. Those in a different structural position might act in similar ways, however, and not risk becoming homeless. The issue of social justice raised by this story is whether it is right that *anyone* should be in a position of housing insecurity, especially in an affluent society.

Some observers might be inclined to conceptualize the injustice Sandy suffers as being due to the wrongful actions of some other persons. Certainly it is not uncommon for people to commit wrongs against others. Landlords sometimes unjustly evict tenants because they don't get along with them, or because they want to rent the apartment to a relative. Real estate agents or apartment brokers sometimes "steer" potential buyers and renters to particular housing offerings that they judge appropriate for their race or occupation, thereby not opening the full housing market to them. These and other sorts of crimes and corruption sometimes account for why some people are housing deprived. I refer to them as wrongs of individual interaction.

I have constructed Sandy's story, however, so that it does not involve harms of individual interaction. All the individuals with whom Sandy deals about her housing issues are decent and respectful toward her. Some, such as the apartment hunting agent, go beyond what can be expected of them morally, taking extra time with Sandy at some inconvenience to themselves. All the people whom she encounters act within the law and according to accepted norms and rules.

What about the landlord who has sold the building from which Sandy has been displaced? Surely he could have saved the tenants from eviction, and his selling the building is a direct moral wrong he does them, some might be inclined to say. Let us imagine, however, that this landlord owns several buildings and that his financial situation makes it increasingly difficult for him to maintain them all to the standards he should.<sup>3</sup> He decides to sell this building, from his point of view, in order that he can maintain the others without raising the rents in them very much. Thus he says that he is doing the best thing considering the constraints under which he operates.

What about the rental agent who tells Sandy that she needs three months' rent to secure the apartment she has found? Is she personally responsible for the harm Sandy suffers? This agent would likely say that she is just doing her job, that she herself does not set the policy, and that the policy is standard and reason-

3. According to Harvard's Joint Center for Housing Studies (*America's Rental Housing*, 22), over a third of nonresident apartment owners report no profit from their rentals, and over 60 percent say that, given the choice, they would not buy their properties again.

able. It is plausible, that is, to find that Sandy suffers injustice but that no particular agent she encounters has done her a specific wrong.

Nor can the wrong that Sandy suffers be attributed to some particular unjust law or policy that has kept her and others like her from having a home. She is not like the victims of Robert Mugabe's decision to raze the shantytowns of Harare. Nor is the wrong she suffers like that many blacks and Jews suffered in the United States because laws forbade them from owning or renting in certain districts. States have in the past caused and do sometimes now cause injustice to large groups directly through their laws and policies. But this case is not like that. Some laws, such as municipal zoning laws, and some policies, such as private investment policies, contribute to the structural processes that cause Sandy's plight, but none can be singled out as the major cause.

Nor is Sandy's situation a matter of sheer bad luck, as though a hurricane had blown her house away. She might have had better luck, but the series of interactions and constraints that she experiences are not inexplicably fated. On the contrary, it is predictable and explainable that there will be an insufficient supply of decent affordable housing in an urban area where there is a generally healthy capitalist economy and where large-scale nonprofit housing investment is absent. In the last chapter I argued that the egalitarian theories that construe a person's own actions or luck as the only causes of their circumstances are too simple, and counterintuitive. As in this case, there are many generalized circumstances that we see not as a matter of brute luck, but as socially caused. Events like Hurricane Katrina and its aftermath reveal, moreover, that even when disaster strikes, its effects are likely to be worse for persons in structurally disadvantaged positions.<sup>4</sup>

The wrong that most people would agree has happened to Sandy and to others in a similar position, I submit, is attributable neither to individual fault nor to specifically unjust policy. Its causes are not so immediate as the persons with whom the wrong sufferer interacts, and not so focused as a single policy. The sources of the generalized circumstance of being vulnerable to homelessness are multiple, large scale, and relatively long term. Many

4. See Iris Marion Young, "Katrina: Too Much Blame, Not Enough Responsibility," *Dissent* 53.1 (Winter 2006): 41–46.

policies, both public and private, and the actions of thousands of individuals acting according to normal rules and accepted practices contribute to producing these circumstances.

Just what are these practices and processes that prevent a large number of people from accessing decent affordable housing? A simple answer is this: many people earn wages insufficient to pay the rents or mortgages landlords and banks require. Indeed, the bottom fifth of renter households have seen little rise in their real incomes since 1993. As a result, the proportion of their income that many people pay for housing in the United States has increased significantly. More than 22 percent of renters, or 7.5 million people, pay more than half their incomes for housing. A large number of these people live in structurally inadequate buildings.<sup>5</sup> The processes that account for poor earning, then, also help account for housing insecurity.

To understand housing insecurity as a consequence of social-structural processes, however, it is helpful also to consider the specificity of the housing industry and housing markets. In the United States, as in most of the rest of the world, housing is primarily a commodity. Unlike most other consumer commodities, however, its production is expensive, and investors often wait a considerable period of time to obtain a return on their investment. Maintaining existing buildings at a decent level of habitation is also expensive and has become more expensive in recent years.

There is a significant number of relatively high-income people in the United States at whom rental building construction and rehabilitation tends to be targeted. In fact, most of the 3 million rental units built in the United States between 1990 and 2003 were intended for high-income people. More than one-fifth of multifamily units built since 2001, moreover, have been targeted for sale as condominiums. At the same time, more than 2 million lower-income units have been demolished or withdrawn from the rental market.

Classical economic wisdom holds that there ought to be a “trickle-down” effect of such rental targeting at the high end of the market. According to such reasoning, building more units for those who can most afford to pay ought to make better rental housing available to lower-income people who occupy units vacated by people attracted to the newer, more expensive units, at

5. Joint Center for Housing Studies, *America's Rental Housing*.

not much more cost than their previous units. In theory, units withdrawn from the market are the least desirable and least profitable. Thus everyone—developers, landlords, and tenants—benefits from high-end new construction.<sup>6</sup> Such an account makes many questionable assumptions. It ignores, for example, that much rental housing is withdrawn from the market in order to be converted to privately owned condominiums. It also assumes that landlords respond to relatively high vacancy rates by lowering their rents, which they often do not.

More generally, many economists suggest that if only local housing markets are left free, the forces of supply and demand will reach an equilibrium that will provide adequate housing for everyone at a cost they can afford. Most people do not have too much difficulty adequately clothing their families, for example, even when they cannot afford designer apparel or the latest styles. There are good reasons to think, however, that the rules and decisions of government, business, and civic organizations, along with the tastes and preferences of housing consumers, interact with market forces to produce structural processes that are usually biased against lower-income renters.

Housing production is tied to land, for example, which is in short supply. Land price appreciation accounts for three-quarters of the inflation-adjusted increase in housing construction costs in the United States in the last ten years. As a consequence, developers cannot obtain a return on investment in newly constructed affordable housing without subsidy. Furthermore, housing markets are greatly influenced by financial markets. In recent years there has been a serious increase in trade on secondary mortgages, for example, from which speculators and developers benefit the most.<sup>7</sup>

Most generally, we cannot understand rent levels and the supply of affordable housing by considering market forces alone. John Gilderbloom and Richard Appelbaum argue that we need to understand the practices, relationships, and interests of many institutional actors, as these affect and are affected by market behavior.<sup>8</sup>

6. John Gilderbloom and Richard Appelbaum summarize this argument. See Gilderbloom and Appelbaum, *Rethinking Rental Housing* (Philadelphia: Temple University Press, 1988), 51–52.

7. Joint Center for Housing Studies, *America's Rental Housing*.

8. Gilderbloom and Appelbaum, *Rethinking Rental Housing*, especially part 2.

A host of both public and private national, state, and local institutions, Gilderbloom and Appelbaum suggest, influence the supply and price of rental housing. These include the Federal Reserve Bank, Congress, executive agencies, and the courts; national housing industry organizations, such as the National Association of Home Builders and the Institute for Real Estate Management; national tenants' advocacy associations; municipal councils and local zoning boards; local housing industry organizations; local tenants' associations; and individual professional and amateur landlords.<sup>9</sup> The plans and decisions of these actors interact with market constraints and opportunities to influence rents and the supply of affordable housing. Into this mix we must also put the diverse tastes, interests, and personal constraints of individual renters in order to understand the structural processes that explain a lack of sufficient supply of decent affordable housing in the United States.

Some economists argue that local government regulation, such as rent control or zoning regulation, has a detrimental effect on rental housing supply and price diversity. While it may be true that "strong" rent control laws reduced rental housing supply, Gilderbloom and Appelbaum review the evidence and find that "moderate" rent regulation, which describes the relatively few rent control laws in effect today in the United States, has little effect on reducing supply and some effect on moderating rents. Land use regulation against dense construction in many suburbs does tend to raise land costs and housing construction costs in those jurisdictions, and these effects do tend to spill over into metropolitan housing markets.

Gilderbloom and Appelbaum argue, however, that the effects of local government regulation on local rents are negligible compared with the effects of federal policies, many of them not specifically aimed at housing. Construction loan and mortgage interest rates are strongly influenced by federal monetary policy. The national income tax code strongly influences the direction of housing investment and level of expected return.<sup>10</sup>

Purely economic models of rental housing tend to theorize that markets less regulated by national, state, or local governments would be more competitive. Such minimally regulated markets,

some suggest, would be more responsive to changes in consumer demand and ability to pay than they are now, and thus would sometimes see rents decline and more investment in housing for lower-income people. However, such arguments ignore the fact that there are many nongovernmental processes that militate against maximal competition in housing markets and create serious asymmetries of power between landlords and tenants.

Rental housing ownership in the United States tends to be concentrated in relatively few hands. Landlords with large holdings often do not mind having some vacancies, and usually do not lower their rents in order to fill them. They take into account many other factors in calculating their costs and benefits—such as the costs of hiring management companies, depreciation costs, expected interest rates, and so on.

Landlords often belong to landlord organizations and also participate in informal landlord networks. These set formal and informal rent norms that only partly respond to supply and demand. Through these organizations and networks, landlords often acquire a broad scope of information about market conditions. They often cooperate with or pressure one another to maintain an average rent level higher than would be likely in a truly competitive market.

Tenants, on the other hand, are rarely organized in a comparable way. They usually come to the rental market as individuals or single families, with only the information that landlords, real estate dealers, and friends give them about offerings and prices. Tenants associations usually serve more as advocates for the rights of tenants already housed than for those seeking housing. Rare indeed is a tenants' association that can contemplate bargaining collectively with landlords over the price of housing.

The competitive story of affordable housing also fails to notice the asymmetry between landlords and renters in their ability to enter and remain in particular housing markets. Constraints on landlord entry and exit concern little more than their ability to sell in one locale and buy in another, whereas zoning laws and a history of discriminatory practices often restrict the amount and location of rental housing available to African Americans and Latinos, families with children, and low-income renters. Job location often conditions the location where renters seek housing, as do renters' desire to remain close to friends, churches, and other associations. Thus by a combination of constrained circumstance

9. Gilderbloom and Appelbaum, *Rethinking Rental Housing*, chap. 10.

10. Gilderbloom and Appelbaum, *Rethinking Rental Housing*, chap. 10.

and choice, many renters cannot seek the lowest-priced housing in any location. They do not often exit one neighborhood to enter another far away in the same way that they might stop shopping at a clothing store with prices they find too high and travel to another lower-priced store across the city.

In sum, the all-too-common social position of being housing-deprived arises from the combination of actions and interactions of a large number of public and private individual and institutional actors, with different amounts of control over their circumstances and with varying ranges of options available to them. Most of these actors have their own perceived interests in view. While some do things that are individually wrong, such as break the law, or deceive, or behave in ruthless ways toward others, many others try to be law-abiding and decent even as they try to pursue their own interests. The process nevertheless should be described as producing structural injustice, because in it some people's options are unfairly constrained and they are threatened with deprivation, while others derive significant benefits.

Structural injustice, then, exists when social processes put large groups of persons under systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time that these processes enable others to dominate or to have a wide range of opportunities for developing and exercising capacities available to them. Structural injustice is a kind of moral wrong distinct from the wrongful action of an individual agent or the repressive policies of a state. Structural injustice occurs as a consequence of many individuals and institutions acting to pursue their particular goals and interests, for the most part within the limits of accepted rules and norms. I will now offer a more general conception of social-structural processes.

## II. Conceptualizing Social-Structural Processes

As I discussed in chapter 1, social theorists and empirical researchers frequently appeal to a notion of social structure in order to explain patterns and circumstances that persist over time. Yet structure is notoriously difficult to define. William Sewell asserts that "no formal definition can succeed in fixing the term's meaning: the metaphor of structure continues its essential if

somewhat mysterious work in the constitutions of social scientific knowledge despite theorists' definitional efforts."<sup>11</sup>

Accordingly, here I will not attempt to give a sentence or paragraph definition. Instead, I will build an account of social-structural processes whose purpose is only to give some depth to the claim that many judgments of social injustice refer to structural injustice. In building this account I shall draw on the ideas of several social theorists. I shall refer to these aspects of social relation more often as social-structural *processes* than as structures, in order to emphasize the dynamism of action in institutional contexts. I will describe social-structural processes in four related aspects: (1) as objective social facts experienced by individuals as constraining and enabling; (2) as a macro social space in which positions are related to one another; (3) as existing, however, only in actions; and (4) as commonly involving the unintended consequences of the combination of the actions of many people.

### *Objective Constraint*

As individuals we experience much about the society in which we live as objectively constraining. Jeffrey Reiman uses the metaphor of "channels" to describe social structures. The operations of social-structural processes create "channels" for the actions of individuals, guiding and constraining them in certain directions, but not disabling their flow.<sup>12</sup> As I will discuss later, at the same time that structures constrain, they also enable. They structure possibilities for action such that individuals can take them up and take advantage of them.

There are at least two important ways in which to consider the objective, constraining facticity of structures. One is material. The accumulated effects of past actions and decisions have left their mark on the physical world, opening some possibilities for present and future action and foreclosing others, or at least making them difficult. Jean-Paul Sartre refers to this aspect of social structure as the *practico-inert*:

11. William H. Sewell, "A Theory of Structure: Duality, Agency, and Transformation," in *Logics of History: Social Theory and Social Transformation* (Chicago: University of Chicago Press, 2005), 125.

12. Jeffrey Reiman, *Justice and Modern Moral Philosophy* (New Haven: Yale University Press, 1989), 213.

[I]n every objectified *praxis* the practico-inert field becomes *its negation* in favor of passive activity as a common structure of collectives and worked matter. Thus the moment of objectivity defines its dialectical necessity as organic activity which has been *transcended and preserved by inertia* precisely to the extent that, both for the individual agent himself and the apodicticity of the investigation, it presents itself as the transcendence of individuality, in this agent and in everyone, by a suffered original statute of reifying sociality.<sup>13</sup>

This passage sounds more obscure than it is. Sartre calls attention to the fact that nearly all the matter of the world we encounter is marked by culture, human projects, and human decisions. As thus materialized, however, we do not encounter the action as such; indeed, many of these actions whose material consequences we experience were performed a long time in the past. The inert material things and constraints we encounter bear marks of past praxis, but we experience this praxis passively, as having objective properties of its own, which may or may not correspond to our current projects and goals. The objective properties of materialized effects of action, moreover, are often difficult to change; one must take them into account.

Many of the physical facts about most metropolitan regions of the United States today, for example, are structured products of a combination of social policies, investment decisions, cultural preferences, and racial hegemonies of the mid-twentieth century. Whether we want them to or not, these materialized effects of past actions and decisions constrain housing options for many people in many parts of the country. Racially segregated inner-city neighborhoods and inner-ring suburbs remain and are reproduced even after some of the attitudes and exclusionary policies that sanctioned their creation have atrophied to some extent. Highways and suburban tract housing continue to embody the value and cheapness of the automobile people assumed in the past, even though many people and policies question that value today. The physical characteristics of housing stock—whether as high-rise apartments or as single-family homes in subdivisions—constrain the choices of investors and consumers. All these existing physical

13. Jean-Paul Sartre, *Critique of Dialectical Reason*, trans. Alan Sheridan-Smith (London: New Left Books, 1976), 318.

structures and relationships carry the effects of past assumptions, decisions, and interests with them, and these continue to condition contemporary possibilities for action even as we try to transform them.

Institutional and social rules constitute another stubbornly objective and difficult-to-change aspect of structural processes. Some are legal rules, enforced by state action enacted by public officials. Many others are more implicit rules that people follow through habit, or because they feel constrained to do so by others or because they perceive advantage to themselves by doing so. At every turn Sandy encounters social rules that tend to block her effort to find affordable housing—rules of property that give her no recourse when the landlord sells his building, rules established by property managers to protect their interests, and, in between, a whole host of formal and informal rules that establish status hierarchies in family, neighborhood, school district, occupation, body type, even dress, all of which collude to put people like Sandy in her precarious position. She experiences the confluence of social rules as objective constraints because others behave as though they are.

This, then, is the first observation to make about social structures—that they appear as objective, given, and constraining. Social structures do not constrain in the form of the direct coercion of some individuals over others; they constrain more indirectly and cumulatively as blocking possibilities. Part of the difficulty of seeing structures, moreover, is that we do not experience particular institutions, particular material facts, or particular rules as themselves the source of constraint; the constraint occurs through the joint action of individuals within institutions and given physical conditions as they affect our possibilities. Marilyn Frye aptly likens this form of constraint to a birdcage.<sup>14</sup> Looked at one by one, no wire is capable of preventing a bird from flying. It is the joint relationship of the wires that prevents flight.

To say that structures constrain does not mean that they eliminate freedom; rather, social-structural processes produce differentials in the kinds and range of options that individuals have for their choices. The issue of social justice raised by the operation of social structures is whether these differences in the kinds and

14. Marilyn Frye, "Oppression," in *The Politics of Reality: Essays in Feminist Theory* (Freedom, CA: Crossing Press, 1993).

range of options made available to individuals by these structures are fair.

Individuals experience social structures as constraining, objectified, thing-like. Even relatively privileged individuals will often say that they “have no choice” about doing or not doing certain things because of the way that they experience structural processes. Earlier I suggested that the landlord in my scenario might plausibly say that he is “forced” to sell the apartment building because his maintenance costs are rising and the offer on it is advantageous. He would be in bad faith, of course, to believe that he literally has no alternatives, and I will discuss this attitude in chapter 6. It is not false, however, for him to believe, considered in isolation from the ways he might cooperate with others in the structures to change the way they constrain, and even though he is in a position of relative privilege in those structural processes, that he faces a limited set of options that are objectively given. It is easy for individuals to take the attitude that social facts are things, independent of human agency as such. Labor markets, for example, operate in their mysterious ways, and we treat large-scale unemployment like a fact of nature.

### *Considering Position*

Earlier I argued that Sandy’s difficulty in acquiring decent housing for herself and her children should be judged as a social *injustice* insofar as it is a generalized condition, which many others experience or are liable to experience. Being vulnerable to housing deprivation names a common *position* in which individual persons with diverse attributes, life histories, and goals find themselves, a position that has persisted for decades in the society despite some efforts to respond to it.

To look at social relations from the point of view of structures means not only understanding the social constraints and opportunities people confront as objective facts. It also means taking a broad macro point of view on the society that identifies its major social positions—general categories that define these constraints and opportunities—and how these positions relate to one another systematically. Thus Peter Blau says that “a social structure can be defined as a multi-dimensional space of different social positions among which a population is distributed. The social associations of people provide both the criterion for distinguishing social positions

and the connections among them that make them elements of a single social structure.”<sup>15</sup> Although Pierre Bourdieu uses very different language and concepts for theorizing social structure, he too begins from a notion of position. He defines social structure as a “field” in which positions stand in relation to one another. The location of persons in social space defines whether they are socially “close” or “distant,” that is, whether they are liable to identify with one another or express a sense of otherness, and signal such identification or distancing in their behavior.<sup>16</sup> Bourdieu has applied concepts such as “field” and “position” to structural processes of housing development, specifically of single-family owner-occupied development, markets, and fashion in France.<sup>17</sup>

When we consider members of society in terms of social positions, we are less concerned with their individualized preferences, abilities, and attributes, and more concerned with the *relations* in which they stand to other persons. Sociologically, these relations position people prior to their interactions, and condition expectations and possibilities of interaction. If as social or normative theorists we focus solely on individual attributes and actions, we are liable to miss much about the significance and consequences of the attributes and actions. To understand the latter, we need a broader view of the systematic relations in the context of which individual interactions occur and of which they are a part. The same sort of interaction may in fact have different meanings and implications depending on this context.

In discussing the difference between money as a medium of exchange and money as capital, Karl Marx brings out this point. Looked at from the point of view of individual interactions, in each case we have a series of exchanges. A commodity owner exchanges a commodity for money, then takes the money to buy commodities. Money is the means of allowing commodities to circulate so that people who need things do not have to exchange what they have directly with the people who have what they need. In this series, the commodity owner ends up with a commodity of

15. Peter M. Blau, *Inequality and Heterogeneity: A Primitive Theory of Social Structure* (New York: Free Press, 1977), 4.

16. Pierre Bourdieu, *The Logic of Practice*, trans. Richard Nice (Stanford: Stanford University Press, 1990), book 1.

17. Pierre Bourdieu, *The Social Structures of the Economy*, trans. Chris Turner (Cambridge: Polity Press, 2005).

equal value to what he began with. Some series of exchanges, however, begin with a person who has money, with which he buys commodities, which he then sells to end up with more money than when he began. That process is the accumulation of capital. What has turned the money into capital, Marx asks? Put another way, what made the surplus accumulation possible? The condition of the possibility of that surplus cannot be accounted for by looking at any or every exchange interaction. Each is formally the same: a seller of a commodity finds a buyer. In order to explain the difference between a series of exchanges in which money functions simply as the medium of exchange and a series of exchanges in which an owner of money accumulates more money, it is necessary to go behind the market relations to the specific processes that have brought the money and the commodities to the market. What makes money capital, Marx demonstrates, is the fact that the money owner is in a position to bring together raw materials and people who sell him their labor power. The process of producing the new things that the investor owns enables him to recoup more than he invested in the market. The social positions of owner of capital and owner of nothing but labor power are key to explaining the outcomes of this series of exchanges.<sup>18</sup>

One important purpose for taking a large-scale point of view on a society and locating positions in a structural field is to identify broad structural inequalities that are far-reaching in their implications for people's life courses and that persist over time, often over generations. Charles Tilly calls these "durable" inequalities.<sup>19</sup> Collecting and analyzing statistics is important for identifying individuals' social positions and how those individuals are faring in relation to one another. With reason Foucauldian critics argue that such statistical analysis helps states and other powerful institutions discipline populations. Without such broad social comparisons of well-being between differently positioned groups, however, we could not make judgments of social justice and injustice.<sup>20</sup>

18. Karl Marx, *Capital*, vol. 1 (New York: International Publishers, 1973), part 2, chaps. 4, 5, and 6, and part 3, chap. 7, 146–198; compare Karl Marx, *Grundrisse* (New York: Vintage Books, 1973), 239–256.

19. Charles Tilly, *Durable Inequality* (Berkeley: University of California Press, 1998).

20. See Iris Marion Young, "Equality of Whom?—Social Groups and Judgments of Injustice," *Journal of Political Philosophy* 9.1 (March 2001): 1–18.

Modern industrial societies are structured by such categorical inequalities, typically along lines of class or class fraction, race, gender, ability, and sometimes ethnicity. Relations of privilege and disadvantage structure each of these kinds of categories.

The social positions of class and gender, for example, explain much about Sandy's circumstance. The reinforced norms of a gender division of labor give her primary responsibility for the care and upbringing of her children. Time, energy, and money devoted to this pursuit is time and energy deflected from, for example, getting training that might yield her a better-paying job. Sandy is positioned at the low end of an occupational hierarchy in which not having professional training restricts a person to work that pays little and carries little job security or autonomy. Gender further structures this occupational hierarchy by crowding women into relatively few job categories, such as retail sales. Studies show that mechanisms to reinforce this sex segregation do not need to rely on explicit policies and practices of sex discrimination. The crowding of women into a few job categories operates to keep wages low in those categories.<sup>21</sup>

#### *Structures Produced in Action*

For many decades of the twentieth century, a debate raged among social theorists about whether conceptualizing social relations in terms of structures commits a theorist to the position that persons in social structures are not really agents, or that their agency is something entirely independent of the structures, which operate according to their own laws. Some social theorists took on a project of "methodological individualism,"<sup>22</sup> through which they attempted to demonstrate that everything about society can be explained as a function of the attributes and actions of individuals.

These debates have not disappeared from intellectual life, but they have abated. Few theorists of social structures deny that

21. Francine D. Blau and Lawrence M. Kahn, "Gender Differences in Pay," *Journal of Economic Perspectives* 14.4 (Fall 2000): 75–99; M. V. Lee Badgett and Nancy Folbre, "Job Gendering: Occupational Choice and the Labor Market," *Industrial Relations* 42.2 (April 2003): 270–298.

22. See Jon Elster, "The Case for Methodological Individualism," *Theory and Society* 11.4 (July 1982): 453–482.

individual actors produce them. Anthony Giddens's theory of structuration is perhaps the most thorough account of the relationships between social structure and individual action. On Giddens's account, structures exist only as enacted by individuals in relation to one another, but a distinction between structural and individual levels of social analysis is nevertheless important to make.

Giddens defines social-structural properties as "rules and resources, recursively implicated in the reproduction of social systems."<sup>23</sup> Structures are properties of social systems or collectivities. In the modern world these social systems involve millions of people connected with one another through multiple systems of communication, and within complex layers of institutions that often have long-distance effects on one another. The rules and resources that define structures, however, exist only insofar as the individuals in the society have knowledge of them, see them as creating possibilities for themselves, and mobilize them in their interactions with others. What differentiates social positions is that different rules apply to people in different positions, and people in different positions have different kinds and amounts of resources available to them to mobilize in an effort to achieve their goals. On Giddens's account, when individuals act, they are doing two things at once: (1) They are trying to bring about a state of affairs that they intend, and (2) they are reproducing the structural properties, the positional relations of rules and resources, on which they draw for these actions.

Some people take issue with Giddens's definition of structures without disputing the recursive character of structure in agency. William Sewell, for example, argues that Giddens's concept of "rules" is too vague, and Sewell proposes to replace it with a notion of "schema." He also suggests that Giddens's theory does not sufficiently account for possibilities of structural change.<sup>24</sup> We can accept both these points without revising the core claim that structures are produced only in action without being reduced to action in their description, and that persons act in relation to their knowledge of structures. Giddens's theory may well need

23. Anthony Giddens, *Central Problems in Social Theory: Action, Structure, and Contradiction in Social Analysis* (Berkeley: University of California Press, 1979), 64.

24. Sewell, "A Theory of Structure."

refinement, but it is not my purpose here to develop the most comprehensive and precise theory of structuration.<sup>25</sup>

Thus, the idea that structures are recursive is important for my purposes. People act within institutions where they know the rules, that is, understand that others have certain expectations of how things are done, or that certain patterns of speech and behavior have certain meanings, and that individuals will react with sanction or in other, less predictable ways if the implicitly formulated or formal rules are violated. Action in conformity with or in reliance on institutional rules often is not part of the intentional consciousness of the actors, but is, rather, routine or habitual. Resources, for Giddens, name anything on which individuals implicitly or explicitly rely to develop or enhance their capacities to bring about ends. In addition to material goods, resources can include one's own skills, one's ability to mobilize the actions and skills of others in certain directions, and so on. The concept of resources, that is, refers broadly to power, both power as ability and power over others by means of mobilizing threats of sanction or offers of desired goods. A large part of the study of structures, then, consists in understanding power differentials and power relations understood in this broad way, both how they are reproduced and how they change.

Bourdieu's concept of habitus adds some dimensions to Giddens's account of the recursive production of structural positions through actions. However uniquely individual we think we are, many of our most mundane actions manifest internalized bodily comportments and reactions—the habitus—that are typical of people in similar social positions. In his massive study, *Distinction*, as well as other works, Bourdieu documents how tastes, preferences, a sense of aesthetic comfort, vary with class and social stratum.<sup>26</sup> Bodily habitus which is appropriate to social segments and by which people unconsciously announce themselves in relation to one another have many mundane manifestations—from voice to gesture to preference in drinks. Marketing researchers cash in on this typification of social differentiation

25. For one very useful effort in that direction, see Rob Stones, *Structuration Theory* (Hampshire, NY: Palgrave Macmillan, 2005).

26. Pierre Bourdieu, *Distinction: A Social Critique of the Judgment of Taste*, trans. Richard Nice (Cambridge, MA: Harvard University Press, 1984).

and relationships that so powerfully (because unconsciously) operates to reproduce structural inequalities and the relative privileges attendant on them. Much about what middle-class people in this society think we require in a dwelling space, for example, has become a standard taste that adds to the cost of dwellings.

Let me give an example of this process, which Giddens refers to as the “duality of structure.” I will return to the affordable housing example. Sandy has an intention: she wants to find an apartment in which she regards as a safe suburban neighborhood. Sandy’s definition of “safe” and her identification of “safe” with suburb is a set of ideas that she shares with a large portion of other people who live in her metropolitan area: implicitly it is a majority-white neighborhood with a middle-class image, if not income. Widespread social norms privilege neighborhoods with these qualities and devalue majority-minority neighborhoods with a higher proportion of more run-down properties. Many social rules are associated with neighborhood types, such as where different kinds of people “belong”—the places they might travel through, visit, or live. Sometimes public officials enforce such rules, as when police stop African American males who are walking or driving in what are perceived to be white middle-class neighborhoods, in which the implicit social rules say they don’t belong. Sometimes rules are enforced more implicitly by friends, neighbors, or real estate agents.

Widespread perception that a neighborhood is “unsafe” contributes to further devaluation of that neighborhood, as businesses choose not to invest and move out, leaving less reason for people to visit and live there. Perception that a neighborhood is “safe,” on the other hand, usually contributes to a dynamic in which both housing and businesses become expensive. Thus the irony: by acting on conventional understandings of what constitutes a desirable and “safe” neighborhood, lower-income housing consumers, along with more affluent consumers, contribute to the very structural processes that make housing unaffordable.

#### *Unintended Consequences*

Social structure, then, refers to the accumulated outcomes of the actions of the masses of individuals enacting their own projects, often uncoordinated with many others. The combination of actions affects the conditions of the actions of others, often producing

outcomes not intended by any of the participating agents. Sometimes these unintended outcomes even run counter to the intentions of most of the actors. Sartre calls this “counter-finality”: people pursuing their own ends create a structural system whose teleology runs counter to those individual ends.<sup>27</sup> The famous “tragedy of the commons” has this form.<sup>28</sup> When each individual treats the commons as an inexhaustible resource from which he or she can draw to meet his or her needs, without putting anything back, scarcity quickly appears. The gridlock might be a better image of how individuals each pursuing their own end creates a collective outcome that makes it impossible to fulfill. Each driver tries to take best advantage of traffic conditions to get where they want to go. But because of the density of the cars, the size of the streets, and the various obstructions in them, eventually some vehicles get stuck in intersections unable to move, stopping traffic at those intersections; traffic soon backs up into other intersections and a whole section of the city is at a standstill.

Many large-scale social processes in which masses of individuals believe they are following the rules, minding their own business, and trying to accomplish their legitimate goals can be seen to result in undesirable unintended consequences when looked at structurally. Financial crises usually have this form. People buy and sell currencies, or commodities, or commodity futures, just trying to do the best for themselves. They do watch the movement of prices, which is a structural effect of these actions, and adjust their own decisions accordingly. Sometimes a run on a particular category of good accelerates, heating up the market and eventually causing it to crash, leaving many investors ruined. No one intends this outcome, which many economists think can be prevented only by regulation that keeps the structure itself in view and curbs certain actions that people are inclined to take. The Asian currency crisis of 1997 fits this profile.

Sandy’s plight points to a fact that applies to many cities around the world. Too many people must pay half their income for cramped and poorly maintained housing, and too many people lack private housing altogether. Presumably, in none of these cities is this situation the intended outcome of the actions of any persons or pol-

27. Sartre, *Critique of Dialectical Reason*, 277–292.

28. Garrett Hardin, “The Tragedy of the Commons,” *Science* 162.3859 (December 13, 1968): 1243–1248.

icies of any institutions. Presumably, this is a situation that most people regret, and some of them even take action to mitigate it, such as setting up homeless shelters or donating to them. Vulnerability to housing deprivation for large numbers of people is nevertheless a normal outcome of contemporary housing markets in the absence of aggressive regulatory intervention to prevent it. Free markets can deliver many kinds of goods to most people who want them relatively efficiently. Decent housing appears to be too costly, however, for this to be possible in most urban areas. This is an unintended but unjust consequence of the actions of millions of differently positioned individuals—consumers, investors, government officials, lenders, and so on—all usually acting on normal and accepted rules and drawing on the resources normally available to people in those positions. Many other circumstances that we judge unjust are also outcomes of the normal and accepted actions of millions of individuals, outcomes often not intended by them, even though after decades of repetition they can be predicted.

### III. Structure as the Subject of Justice

When we make judgments about social injustice, I have argued, more often than not these refer to the vulnerabilities to domination and deprivation that some people experience due to social-structural processes. My argument broadly endorses the intuition behind John Rawls's claim that structure is the subject of justice.<sup>29</sup> Rawls distinguishes an institutional level of analysis and moral judgment from a level of analysis and judgment that refers to individual action and interaction. The account I have given here generally coincides with this idea.

Some philosophers, notably G. A. Cohen and Liam Murphy, have criticized Rawls's claim that the subject of justice is the basic structure. Among other things, they say that Rawls's claim implies that the promotion of justice does not involve individual action and the choices individuals make in their everyday lives, and they argue that this implication is not plausible.

In this section I will review Rawls's claim that the subject of justice is the basic structure, along with arguments against the

29. John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, MA: Harvard University Press, 1999).

claim. Cohen's and Murphy's criticisms reveal, I suggest, that Rawls misformulates the claim. I will reformulate it. When we understand structural processes along the lines that I have articulated above, it is obvious that individual actions are relevant to perpetuating or undermining injustice. On this point Cohen and Murphy are right. There are nevertheless important reasons to distinguish a moral perspective on structural processes from a moral perspective on more micro and immediate interaction.

In *A Theory of Justice*, Rawls famously states that the subject of social justice is the basic structure of society, or “the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation.”<sup>30</sup> Major institutions include, he says, the legal system’s definition of basic rights and duties, market relations, the system of property in the means of production, and family organization. Rawls gives two main reasons for the claim that justice concerns the basic structure: The basic structure profoundly influences the life prospects of people in the society, and principles of justice should apply to background conditions rather than to individual transactions.

On the first of these reasons, Rawls says that

taken together as one scheme, the major institutions define men's rights and duties and influence their life prospects, what they can expect to be and how well they can hope to do. The basic structure is the primary subject of justice because its effects are so profound and present from the start. The intuitive notion here is that this structure contains various social positions and that men born into different positions have different expectations of life determined, in part, by the political system as well as by economic and social circumstances.<sup>31</sup>

Not unlike how I have articulated the issue earlier in this chapter, Rawls here emphasizes that the way institutions operate together in a society locates the members of the society in differing positions in relation to one another. The options and opportunities people have for developing their capacities and advancing their well-being define those positions. In an unjust society some

30. Rawls, *A Theory of Justice*, 6.

31. Rawls, *A Theory of Justice*, 6–7.

categories of persons unfairly have a more limited set of options and opportunities than other categories of persons, and the relative opportunities of the groups is conditioned by the way action within the formal and informal rules of multiple institutions reinforce one another.

Furthermore, Rawls argues, it is important to distinguish moral principles and judgments that apply to this basic structure from those that apply to the actions and decisions of individual persons or individual organizations within the society:

The principles of justice, in particular the difference principle, apply to the main public principles and policies that regulate social and economic inequalities. They are used to adjust the system of entitlement and earnings and to balance the familiar everyday standards and precepts which this system employs. The difference principle holds, for example, for income and property taxation, for fiscal and economic policy. It applies to the announced system of public law and statutes and not to particular transactions and distributions, nor to the decisions of individuals and associations, but rather to the institutional background against which these transactions and decisions take place.<sup>32</sup>

There is an appropriate moral division of labor, that is, between principles and judgments that focus on general background conditions that provide the framework for the activities of individual persons and associations, and the principles and judgments that evaluate those individual activities themselves.<sup>33</sup> Parents need not worry that they are wrongly violating an equal liberty principle when they require their children to be home by a certain hour and ground them for a week if they break that rule. A religious organization may specify that only men can occupy certain of its offices without running afoul of the equal-opportunity principles that regulate the basic structure. Some individual employers may set their pay schedules in ways that recruit and retain the sorts of people they want without having to weigh whether doing so makes those who earn the least in their organi-

32. Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 282–283.

33. Compare Rawls, *Justice as Fairness: A Restatement* (Cambridge: Harvard University Press, 2001), 53–54.

zation better off than they would be under an alternative pay scheme. The liberty of individuals and associations would be unduly restricted if each of them had to apply Rawls's two principles to every one of their actions and decisions, and their doing so would be overly complex. More important, as I will discuss later, Rawls argues that failing to distinguish a level of social structure from a level of individual interaction means that we cannot bring under normative evaluation the aggregate consequences of a combination of many individual actions.

G. A. Cohen takes exception to this moral division of labor because he thinks it implies that actions chosen by individuals are irrelevant to the pursuit of justice. At least under one interpretation, it appears that Rawls's position that the subject of justice is the basic structure means that if the rules and institutions of the basic structure are properly designed and implemented, then individuals and associations within the society can act in purely self-regarding and interest-maximizing ways so long as they act within the basic structural framework. The preservation or pursuit of justice, however, according to Cohen, requires not only the right institutions, but also a personal *ethos* of justice that motivates the actions of individuals within the society.

Cohen argues that Rawls's concept of the basic structure is vague and ambiguous. He focuses on one particular ambiguity. On one widespread interpretation, the basic structure refers to the society's coercive apparatus, which "is legible in the provisions of its constitution, in such specific legislation as may be required to implement those provisions, and in further legislation and policy which are of central importance but which resist formulation in the constitution itself."<sup>34</sup> On this interpretation, the basic structure refers to the coercive legal framework that regulates political, social, and economic activity to steer their effects to conform with the two principles.

On the other hand, says Cohen, sometimes Rawls includes within the basic structure institutions and relationships whose structure and regularity depend less on the promulgation and enforcement of coercive rules, and more on more informal practices and conventions that people follow out of either commitment,

34. G. A. Cohen, "Where the Action Is: On the Site of Distributive Justice," in *If You're an Egalitarian How Come You're So Rich?* (Cambridge, MA: Harvard University Press, 2000), 137.

habit, or a desire to conform. In several places, for example, Rawls includes the family in the list of institutions comprising the basic structure. Cohen argues that it is more plausible to open up the subject of justice to include people's uncoerced actions according to practices and conventions that contribute to justice or injustice. A moral division of labor between institutions and individual action is implausible and endangers a commitment to justice. How individuals choose to act in relation to one another often has profound implications for issues of justice. To the extent that many men and not a few women continue to act as though unpaid care work in the home is primarily the responsibility of women even when the women also have paid jobs, for example, these uncoerced actions have the effect of privileging many men and disadvantaging many women in attaining positions of public recognition.

Liam Murphy endorses Cohen's arguments and adds some of his own to refute the moral dualism he attributes to Rawls. As Murphy interprets it, Rawlsian dualism says that principles of justice apply to the evaluation of institutions only, and a different set of normative concerns applies to the evaluation of the actions of individuals. On Murphy's own monist position, on the other hand, the same principles apply to the operation of institutions and to individual action. Both the operation of institutions and the actions of individuals, he argues, have the same ends—to bring about just patterns of relationships among people:

Any plausible over-all political/moral view must, at the fundamental level, evaluate the justice of institutions with normative principles that apply also to people's choices. We should not think of legal, political, and other social institutions as together constituting a separate normative realm, requiring separate normative first principles, but rather primarily as the means that people employ the better to achieve their collective political/moral goals.<sup>35</sup>

A moral dualism that distinguishes principles that apply to institutions of the basic structure from principles to evaluate individual behavior allows individuals to make their choices

35. Liam Murphy, "Institutions and the Demands of Justice," *Philosophy and Public Affairs* 27.4 (Autumn 1998): 253.

without having to consider the relation of their action to issues of justice and injustice, according to Murphy. On the dualist view, people only have a responsibility to support institutions that promote justice, whereas on the monist view, we have the responsibility to promote justice directly.

The shortcomings of the dualist view become most apparent, Murphy argues, when we consider nonideal circumstances, that is, circumstances in which there is some or considerable social injustice. When some individuals suffer from injustice, then individuals, collectives, and institutions are all obliged to use any means available to promote justice. The primary duty is not to promote just institutions, but to promote the just outcomes that just institutions are supposedly for. Sometimes it may be more productive for a person to act to promote justice *directly*, Murphy argues, than to promote the operation of institutions that promote justice. He offers the example of a rich person in the developed world considering what she should do about global poverty. According to Murphy, such a well-resourced person would promote justice more effectively if she gave money to humanitarian aid agencies than if she devoted resources to "the Quixotic task of promoting just international institutions."<sup>36</sup>

Murphy's example and phrasing here are telling. He claims that the rich First Worlder should promote justice "directly," but he cannot avoid referring to institutional means of promoting justice, namely, giving money to humanitarian aid organizations. This would seem to assume that existing humanitarian aid organizations are effective means for promoting justice, when this question perhaps should be put under examination. The larger point, however, is that it is difficult to imagine what it can mean for individuals, however rich, to promote justice "directly," as opposed to through institutions. Murphy is careful to say that he agrees that institutions are often good *means* for individuals to pursue justice. His example of the individual who cannot avoid employing institutions to promote her objective, however, I think shows that institutions are a *necessary* means for promoting justice, if indeed social justice concerns broad patterns of social positions and relationships in the society. For the promotion of justice requires collective action, and that requires organization.

36. Murphy, "Institutions and the Demands of Justice," 281.

Despite this objection to Murphy's argument, I think that both Cohen and Murphy are right to insist that individual actors have responsibilities in relation to issues of justice. The central project of this book is to conceptualize such responsibilities. Cohen is completely right, moreover, to claim that many everyday social conventions, practices, and habits that individuals enact and reenact contribute to producing and reproducing social injustice. My earlier discussion of structural processes affirms this idea. In my account of the process that contributes to a lack of availability of affordable housing I referred to the choices and preferences of some housing consumers as well as to public policies and investment incentives that contribute to this outcome.

There is much right, then, about Cohen's and Murphy's critique of Rawls's claim that the basic structure is the subject of justice. I think that nevertheless there are important reasons to distinguish a structural point of view from one that focuses on individual interaction. It is therefore necessary to reformulate the claim that structure is the subject of justice, and to rearticulate a distinction between structure and interaction that involves individual action at both levels.

Cohen is right to claim that Rawls's description of the basic structure is vague, ambiguous, and shifting. Sometimes it appears that the basic structure refers to the basic legal framework defining rights, tax and fiscal policy, and the regulation of economic activity. In other passages, however, the structure seems to refer to a set of institutions such as families, courts, and major corporations.

This ambiguity is unavoidable, I suggest, because Rawls thinks about structure in the wrong way. He, along with many of those who follow him, is looking for a *part* of the society, a small subset of its institutions, that is more fundamental than other parts. If I have properly described social-structural processes in the previous section, however, then this is a mistake. Depending on the issue, the structural processes that tend to produce injustice for many people do not necessarily refer to a small set of institutions, and they do not exclude everyday habits and chosen actions. Social structures are not a part of the society; instead they involve, or become visible in, a certain way of looking at the whole society, one that sees patterns in relations among people and the positions they occupy relative to one another. As I have suggested above, we take a structural point of view on social relations when we try to

see how the actions of masses of people within a large number of institutions converge in their effects to produce such patterns and positioning.

Thought of in this way, I maintain that it is important to distinguish normative judgments that refer to structure from normative judgments that refer to individual interactions.<sup>37</sup> They are moral judgments that take different points of view on social relations. The former takes a broader, more macro view on social processes, considering how the effects of actions within institutions are mediated by the actions of other people in other institutions to produce outcomes we judge as just or unjust. The latter considers more direct issues of how people treat one another in more direct ways.

So let us return to Sandy's case. Let us suppose, not implausibly, that in her apartment hunt she encounters some landlords who treat her dismissively and lie to her when they learn that she is a single mother. On the phone one tells her that the apartment is available, but once she comes to see it he says that it has been rented. This landlord is impolite and gruff. According to current law in the United States, his discrimination is illegal. Even if it were not, it would be morally wrong. Not treating another person with respect and lying to him or her are usually moral wrongs that one person does to another directly. Unless the concept of justice coincides with morality as such, however, they are not injustices, however common they are. We ought to reserve the concept of justice and injustice for more systematic wrongs. Behind this particular interaction there lies such a systematic wrong: a socially reinforced and widely shared prejudice that a "proper" family should be headed by a man, and labor market processes that crowd nonprofessional women into a relatively small number of low-paying occupations. The rules, incentive structures, and actions that produce the injustice of gender crowding in occupations are multiple and often not directly experienced by job applicants. It is

37. Thomas Pogge argues for such a two-level view on social relations; see Pogge, "Cosmopolitanism and Sovereignty," in Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge: Polity Press, 2002), 168–195; see also his answer to Cohen and Murphy, "On the Site of Distributive Justice: Reflections on Cohen and Murphy," *Philosophy and Public Affairs* 29.2 (Spring 2000): 137–169.

sensible to describe aspects of Sandy's situation from these two different perspectives, which are not reducible to one another. It is important to evaluate both whether people treat one another with respect in their direct interactions with one another, and whether the socially caused positions they are in afford them fair opportunities, especially when compared with the positions of others.

Taking issue specifically with a "historical process view" of moral evaluation, Rawls argues that his own "social process view" requires a distinction between evaluation of individual transactions and evaluation of their cumulative outcomes. His target is Robert Nozick's theory of justice. On a Nozickian view, moral principles appropriately apply only to individual interactions. Morality forbids that individuals engage in deceit or coercion in their dealings with other people. If a series of transactions among persons involves no deceit or coercion at any point, then its outcome is morally acceptable, no matter how well off or deprived some people are as a result of the process.<sup>38</sup>

Many people, including Rawls, balk at the conclusion that the outcome of a series of transactions is fair no matter what it is. If there is only one subject for moral evaluation, however—namely, whether people in their individual dealings with one another have conformed to the moral rules—then we have no normative tools available for questioning this conclusion. We take another, broader view of social relations when we make the judgment that the outcome of a social process that produces positions in which some people are vulnerable to domination and deprivation is unjust. Rawls argues, furthermore, that the production of such positions will be an *inevitable* outcome of a series of unregulated transactions where the parties are neither deceived nor coerced. He does not say why it is inevitable. Presumably a combination of bad luck and relative inability to compete effectively with others will put some people in disadvantaged bargaining positions. Once these gaps open, interactions that conform to the moral rules are likely to widen them over time. Therefore we need a point of view of moral judgment on the structure that is independent of the point of view of judgment on individual interactions:

38. Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974).

We cannot tell by looking only at the conduct of individuals and local circumstances whether, from a social point of view, agreements reached are just or fair.... It's not just duplicity and deceit that bring about injustice. The tendency is for background justice to be eroded even when individuals act fairly. The overall result of separate and independent transactions is away from not toward background justice.<sup>39</sup>

That is, unless institutions are explicitly organized to counteract this tendency, making this distinction between evaluating the morality of individual interactions and evaluating the justice of patterns of social positions produced by social processes does not imply, as Cohen and Murphy fear, that individual actors need not be concerned with issues of justice in their individual choices and interactions. On the contrary, only if we are so concerned can we hope to make the structural changes that undermine current injustices. It does mean, however, that as individuals we should evaluate our actions from two different irreducible points of view: the interactional and the institutional. We should judge our own actions and those of others according to how we treat the persons we deal with directly: for example, are we honest, do we refrain from exercising dominative power when we have the means available, are we considerate? We should also ask whether and how we contribute by our actions to structural processes that produce vulnerabilities to deprivation and domination for some people who find themselves in certain positions with limited options compared to others. It is possible, indeed even likely, that some people can rightly claim that their individual interactions with other people are impeccable, and that at the same time they contribute a great deal to the production and reproduction of structural injustice because of the social position they occupy and the actions they take within it.

In a later chapter I will explore how the necessity of this dual perspective on one's own action and that of others provides one avenue for avoiding responsibility in relation to justice. Before coming to that discussion, however, we are now in a position to inquire into just what responsibility in relation to justice means. Just as it is appropriate to distinguish moral judgment about individual interaction from moral judgment about social-structural

39. Rawls, *Political Liberalism*, 267.

processes and their effects, it is necessary to distinguish a conception of individual responsibility in relation to each. In the next two chapters I will argue that the conception of responsibility most standard in moral and legal theory derives from the point of view of evaluating interaction and does not well apply to evaluating action that contributes to structural processes and their just or unjust outcomes. I will develop a different conception appropriate for assigning responsibility in relation to structural injustice.

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**THREE**

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## Guilt versus Responsibility

### *A Reading and Partial Critique of Hannah Arendt*

The motivating question for this study is: how shall moral agents think about our responsibility in relation to structural social injustice? Hannah Arendt would not have been very sympathetic to such a question. She criticized the theoretical point of view that elevates the social, as this question does, in a political concern for economic exploitation, need deprivation, and the forms of domination that tend to accompany each. Though my ultimate purpose is thus at odds with some of Arendt's deepest convictions, I find in some of her writing ideas that help me take some steps toward answering this question. In two short essays, "Organized Guilt and Universal Responsibility"<sup>1</sup> and "Collective Responsibility,"<sup>2</sup> Arendt distinguishes between guilt and responsibility in a way that suggests a direction for an answer to my question. This path cannot be charted, however, without clearing up some confusing items in Arendt's discussion, and without criticizing some of her formulations.

Thus in this chapter I will explicate the distinction between guilt and responsibility as it appears in these texts. Then I will supplement this interpretation with a reading of Arendt's book *Eichmann in Jerusalem*,<sup>3</sup> specifically from the point of view of this distinction between guilt and responsibility. In some passages of that book, as in the essay "Collective Responsibility," Arendt says that a specific form of responsibility she calls political responsibility derives simply from common membership in a nation and

1. Hannah Arendt, "Organized Guilt and Universal Responsibility," in *Essays in Understanding, 1930–1954*, ed. Jerome Kohn (New York: Harcourt-Brace, 1994), 121–132.

2. Hannah Arendt, "Collective Responsibility," in *Amor Mundi: Explorations in the Faith and Thought of Hannah Arendt*, ed. James W. Bernauer (Boston: M. Nijhoff, 1987), 43–50.

3. Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Viking Press, 1963).